

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD HOLLIHAN,	:	CIVIL ACTION NO. 3:15-CV-5
	:	
Plaintiff & Putative	:	(Chief Judge Conner)
Class Representative	:	
	:	
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF CORRECTIONS, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 20th day of April, 2016, upon consideration of the motion (Doc. 93) to partially lift stay filed by plaintiff and putative class representative Richard Hollihan (“Hollihan”) on April 19, 2016, and of the status report (Doc. 92) filed by counsel for Hollihan on April 8, 2016, (see Doc. 91 ¶ 3), wherein counsel states that settlement negotiations with defendants Pennsylvania Department of Corrections; John Wetzel; and Bryan Hyde (collectively, “Commonwealth defendants”) remain ongoing, and that “the parties have agreed to most of the essential terms of a settlement,” (Doc. 92 at 2), but that negotiations with defendants Wexford Health Sources, Inc.; Dr. Donald Kern; Dr. Rashida Mahmud; and Dr. John Robinson (collectively, “Wexford defendants”) are stalled because, as of February 22, 2016, counsel for Wexford defendants has been unresponsive to Hollihan’s attempts to engage in settlement discussions, and further upon consideration of the order (Doc. 91) of court, dated February 8, 2016, granting the parties’ joint motion (Doc. 90) to stay pretrial deadlines pending conclusion of

settlement negotiations, and it appearing that Hollihan requests that the court continue the stay with respect to Commonwealth defendants; lift the stay with respect to Wexford defendants; and continue the stay with respect to Hollihan's deadline for filing an amended pleading, (see Doc. 93 at 32), and the court recognizing that control of the discovery process is committed to its discretion, see In re Orthopedic Bone Screw Prod. Liab. Litig., 264 F.3d 344, 365 (3d Cir. 2001), and the court observing that neither class discovery nor merits discovery has concluded herein, (see Doc. 78 ¶ 2; Doc. 87; Doc. 91), and the court finding that continuation of the stay of pretrial deadlines *in extenso* will avoid piecemeal progression of the instant litigation and promote efficient adjudication of Hollihan's claims, see United States v. Breyer, 41 F.3d 884, 893 (3d Cir. 1994), it is hereby ORDERED that:

1. Hollihan's motion (Doc. 93) to partially lift stay is DENIED.
2. Counsel for all parties are directed to file a joint status report advising the court of the status of settlement negotiations on or before **Tuesday, June 7, 2016.**

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania